

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

BANCO POPULAR DE PUERTO RICO,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 2009-142
)	
ALBERT JURGEN, MERCEDES E. JURGEN,)	
EMMERY MCNAIRY, BARBARA B. MCNAIRY,)	
VENITA B. DERENSBURG a/k/a VANITA B.)	
DERENSBURG, EDWIN J. DERENSBURG,)	
III, TERESA M. BROWN a/k/a TERESA J.)	
BROWN, and ANDERSON N. BROWN)	
)	
Defendants.)	

ATTORNEYS:

Alex Moskowitz, Esq.

Erik E. Woodbury, Esq.

Dudley Topper & Feuerzeig

St. Thomas, VI

For the plaintiff Banco Popular de Puerto Rico,

Richard P. Bourne-Vanneck, Esq.

Law Office of Richard P. Bourne-Vanneck

St. Thomas, VI

For the defendants Albert Jorgen and Mercedes Jorgen,

Emmery McNairy

Barbara B. McNairy

Venita B. Derensbourg

Edwin J. Derensbourg, III

Teresa M. Brown

Anderson N. Brown

Pro se defendants.

ORDER

GÓMEZ, J.

Before the Court is the motion of the plaintiff, Banco Popular de Puerto Rico, for an order confirming sale.

Having reviewed the record, the Court makes the following findings:

On October 6, 2009, Banco Popular de Puerto Rico ("Banco Popular") initiated this action for debt and foreclosure against Albert Jurgen, Mercedes E. Jurgen (collectively, the "Jurgens"), Emmery McNairy, Barbara McNairy (collectively, the "McNairys"), Venita B. Derensbourg, Edwin Derensbourg, III (collectively, the "Derensbourgs"), Theresa Brown, and Anderson Brown (the "Browns") (collectively, the "defendants"). Banco Popular sought judgments of debt and foreclosure against all of the defendants.

The McNairys, the Derensbourgs, and the Browns did not answer or appear upon service. The Clerk of Court entered default against those defendants. The Jurgens appeared, and submitted to mediation with Banco Popular. Following mediation, the Jurgens, the Browns, the McNairys, the Derensbourgs, and Banco Popular executed a consent judgment. That consent judgment was accepted by the Court on November 28, 2011. The order accepting the consent judgment ordered foreclosure of property owned by the defendants and described as:

Parcel Nos. 1G-4 and 1G-3-1 Estate Wintberg
No. 3 Great Northside Quarter, St. Thomas, U.S. Virgin
Islands
as shown on P.W.D. Drawing No. D907749-T0006 and D9-4156-
T87

(the "Properties"). The consent judgment also ordered the Jurgens, Browns, and Derensbourgs to pay to Banco Popular the

sum of \$274,170.41, plus interest to accrue at the statutory rate.

Thereafter, on March 12, 2012, the Court issued a writ of execution for the debt against the Jurgens, Browns, and Derenbourgs, in the amount of the debt judgment. Interest has accrued on that amount at the statutory rate.

Pursuant to the consent judgment, on October 20, 2014, the United States Marshal sold the property described therein at a public auction. At the public auction, Banco Popular entered the highest bid for the Property as a credit against its debt judgment. The high bid was \$225,000.

Banco Popular now moves for an order confirming the sale of the Property.

The premises considered, it is hereby

ORDERED that the Property as described herein, to Banco Popular, is **APPROVED** and **CONFIRMED**; it is further

ORDERED that, pursuant to Title 28, Section 535 of the Virgin Islands Code, the defendants shall have six months from the date of this Order in which to exercise their right to redeem the Property by paying Banco Popular the total value of its judgment as of the date of redemption, including principal, interest, attorneys' fees and costs; it is further

ORDERED that Banco Popular, or at the request of Banco Popular made to the United States Marshal, Banco Popular's

assignee, shall be entitled to a Deed with respect to the Property, unless it is redeemed pursuant to Title 28, Section 535 of the Virgin Islands Code; and it is further

ORDERED that, pursuant to Title 28, Section 535 of the Virgin Islands Code, that Banco Popular, from the day of sale until a resale or a redemption, shall be entitled to the possession of the property purchased, unless the same be in possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the same period.

S\ _____
CURTIS V. GÓMEZ
District Judge